

THIRTY-FIFTH DAY

(Tuesday, March 14, 1961)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Schwartz Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Most Holy and Righteous Father, we have all sinned and come short of Thy glory. Forgive us, we pray, and though our sins be as scarlet, make them white as wool; and give us Thy peace that passeth all understanding. We beg in Christ's name and for His sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of illness in the family on motion of Senator Krueger.

Senator Schwartz was granted leave of absence for today on account of important business on motion of Senator Baker.

Senate Resolution 185

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Chico Marquez and Roland "Swede" Carlson; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented the guests to the Members of the Senate.

Reports of Standing Committees

Senator Kazen submitted the following report:

Austin, Texas,
March 13, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred S. B. No. 319, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 304, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 257, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 188, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 240, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 278, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 237, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 185, have had the same under

consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 56, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

LANE, Chairman.

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 255, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute adopted in lieu thereof do pass and be printed.

LANE, Chairman.

C. S. S. B. No. 255 was read the first time.

Senator Roberts submitted the following report:

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 290, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROBERTS, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Agriculture and Livestock, to whom was referred S. B. No. 353, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senator Hardeman submitted the following report:

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 146, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senate Bill 319 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent S. B. No. 319 was ordered not printed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 20, Directing the Board of Texas State Hospitals and Special Schools to enter into negotiations with the City of Big Spring for a new contract to cover increased demands for water for the Big Spring State Hospital.

H. B. No. 587, Relating to a Hospital District within the boundaries of County Commissioners Precinct No. 4 of Comanche County; amending Section 1 of Chapter 9, Acts of the Fifty-sixth Legislature, First Called Session, 1959, to enable the Hospital District to issue bonds for the purpose of purchasing or acquiring, equipping, maintaining, and operating a hospital system; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 393 on First Reading

Senator Martin moved that Senate Rule 114 and Section 5 of Article III

of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Schwartz Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 393, A bill to be entitled "An Act providing for the appropriation of funds to the State Soil Conservation Board for the development of work plans for watershed protection and flood prevention; authorizing certain contracts; and declaring an emergency."

To the Committee on Finance.

Senate Bill 394 on First Reading

Senator Kazen moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Gonzalez
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Hudson
Crump	Kazen
Dies	Krueger
Fuller	Lane

Martin	Reagan
Moffett	Roberts
Moore	Rogers
Owen	Secrest
Parkhouse	Smith
Patman	Willis
Ratliff	

Absent—Excused

Schwartz Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kazen:

S. B. No. 394, A bill to be entitled "An Act amending paragraph (i) of Section 1 of Chapter 314, Acts of the 41st Legislature, Regular Session, 1929, as amended, relating to the definition of 'specialized motor carrier'; and declaring an emergency."

To the Committee on Agriculture and Livestock.

Senate Bill 395 on First Reading

Senator Moore moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Schwartz Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Moore:

S. B. No. 395, A bill to be entitled

"An Act amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended, relating to jury wheels, and declaring an emergency."

To the Committee on Privileges and Elections.

Senate Bill 396 on First Reading

Senator Kazen moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Schwartz Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Kazen:

S. B. No. 396, A bill to be entitled "An Act authorizing the Texas State Department of Health to adopt rules and regulations concerning camping or housing facilities for migrant agricultural labor; providing for issuance of permits for construction and operation of such facilities; providing penalties for violation; and declaring an emergency."

To the Committee on Public Health.

Senate Bill 397 on First Reading

Senator Owen moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Schwartz Weinert

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Owen:

S. B. No. 397, A bill to be entitled "An Act amending Article 7150, Revised Civil Statutes of Texas, 1925, by adding a new section to be known as Section 22; exempting certain property from taxation; and declaring an emergency."

To the Committee on State Affairs.

Senate Resolution 188

Senator Secrest offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Rockdale High School Library Club and Government classes accompanied by their teachers and sponsors, Mrs. Ida Jo Marshall, Miss Nora Duncum, Mr. Charles Martin, Mr. T. A. Weems, Mrs. Earl Ostendorf; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that

a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Secrest by unanimous consent presented the students, teachers and sponsors to the Members of the Senate.

Senate Bill 319 on Second Reading

On motion of Senator Fuller and by unanimous consent, the regular order of business and Senate Rule 38 were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 319, A bill to be entitled "An Act creating a Court of Domestic Relations for Jefferson County, Texas; etc., and declaring an emergency."

The bill was read second time.

Senator Fuller offered the following amendment to the bill:

Amend Senate Bill No. 319 to correct typographical errors as follows:

In Section 4, immediately following the last reference to Jefferson County, Texas and just preceding the word "which," insert the word "over."

In Section 7, substitute the word "from" for the word "of" immediately following the word "removal" in the sentence beginning "He shall be subject to removal. . . ."

In Section 8, substitute the word "Probation" for the word "Probate" immediately preceding the word "Department."

In Section 9, immediately preceding the word "court" substitute the word "the" for the word "each" in the last sentence of said Section 9.

In Section 10, strike the word "such" immediately following the words "may require" and preceding the words "juvenile officer."

The amendment was adopted.

Senator Fuller offered the following amendment to the bill:

Amend Senate Bill No. 319 by striking out Section 13 thereof and substituting in lieu thereof the following:

"Sec. 13.—Appeals. Appeals from judgments and orders of the said

court shall be to the Court of Civil Appeals for the Ninth Supreme Judicial District as now or hereafter provided for appeals from district and county courts."

The amendment was adopted.

On motion of Senator Fuller and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 319 on Third Reading

Senator Fuller moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 319 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis

Absent—Excused

Weinert

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Gonzalez
Baker	Hardeman
Calhoun	Hazlewood
Colson	Herring
Creighton	Hudson
Crump	Kazen
Dies	Krueger
Fuller	Lane

Martin	Reagan
Moffett	Roberts
Moore	Rogers
Owen	Schwartz
Parkhouse	Secrest
Patman	Smith
Ratliff	Willis

Absent—Excused

Weinert

(President in the Chair.)

Committee Substitute Senate Bill 217 on Second Reading

Senator Hazlewood asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 217 for consideration at this time.

There was objection.

Senator Hazlewood then moved to suspend the regular order of business and take up C. S. S. B. No. 217 for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis

Nays—2

Hardeman Parkhouse

Absent—Excused

Weinert

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 217, A bill to be entitled "An Act setting up health standards for Grade A milk for pasteurization produced outside the State of Texas and imported to points within; and requiring that such persons authorizing the importation of such

milk certify that the milk is produced in accordance with standards for the production of milk in Texas; providing for inspection of foreign milk producers; providing for permit fees; providing for penalties; and declaring an emergency."

The bill was read second time.

Senator Hazlewood offered the following amendment to the bill:

Amend Senate Bill No. 217, the printed copy, Section 5, line 25, by inserting the following words between the word "Texas" and before the word "without," to-wit: "or any milk produced within the State of Texas."

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend C. S. S. B. 217 the printed copy Sec. 3 by inserting in line 47 of Sec. 3 after the period and before the word "Nothing" the following:

"No person, officer or inspector authorized under the laws of this State or any municipality within the State to inspect or regulate the production of fluid milk of whatever quality shall in any wise approve, grant or issue a permit for or otherwise authorize Grade A milk for pasteurization unless that person, officer or inspector shall certify to his personal knowledge of the facts contained in his authorization, permit or certification that such fluid milk was produced under the rules and regulations required for the production of milk in the State of Texas."

The amendment was read.

Senator Hazlewood moved to table the amendment.

Question on the motion to table, Yeas and Nays were demanded.

The motion to table prevailed by the following vote:

Yeas—25

Aikin	Hazlewood
Baker	Herring
Calhoun	Hudson
Colson	Kazen
Creighton	Krueger
Crump	Lane
Fuller	Martin
Gonzalez	Moffett

Moore	Rogers
Owen	Schwartz
Patman	Secrest
Reagan	Willis
Roberts	

Nays—5

Dies	Ratliff
Hardeman	Smith
Parkhouse	

Absent—Excused

Weinert

On motion of Senator Hazlewood and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Committee Substitute
Senate Bill 217 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 217 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Patman
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Nays—2

Hardeman	Parkhouse
----------	-----------

Absent

Lane

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Parkhouse asked to be recorded as voting "Nay" on the final passage of C. S. S. B. No. 217.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 38, A bill to be entitled "An Act relating to authorized investments by a guardian of an estate of money on hand belonging to the ward beyond that which may be necessary for the education and maintenance of such ward; and amending Section 389 of The Texas Probate Code, Acts 1955, Fifty-fourth Legislature, p. 88, Ch. 55, so as to add thereto a new alternative investment described as subdivision (g) authorizing such guardian to invest such money in interest bearing time deposits which may be withdrawn on or before one year after demand in any bank to the extent that the payment of such deposit is insured by the Federal Deposit Insurance Corporation and declaring an emergency."

S. B. No. 140, A bill to be entitled "An Act amending the Texas Probate Code by adding thereto a Section 58a permitting a testator to devise or bequeath property to the trustee of any trust the terms of which are evidenced by a written instrument in existence before or concurrently with the execution of his will; providing that property so devised or bequeathed shall be added to such trust and be administered thereunder in accordance with the terms of such instrument, including any written amendments or modifications thereto made prior to the death of the testator; providing for lapse if the trust is entirely revoked; and declaring an emergency."

S. B. No. 141, A bill to be entitled "An Act amending Article 1 of Chapter III of the Texas Banking Code of 1943, as amended, codified as Article 342-301, Vernon's Texas Civil Statutes; Section 3(d) of the Texas Probate Code; and Section 25L of the Texas Trust Act, as amended, codified as Article 7425b-25L, Vernon's Texas Civil Statutes, in such manner as to

clarify, harmonize and confirm the provisions of those statutes dealing with action without bond by banks with trust powers and by trust companies authorized to serve as trustee, executor, administrator, guardian, receiver, or, although without general depository powers, depository for any moneys paid into Court; and declaring an emergency."

S. B. No. 142, A bill to be entitled "An Act amending the Texas Probate Code by adding thereto a Section 105a containing reciprocity provisions authorizing out-of-State banks and trust companies, including national banks, to act in certain fiduciary capacities in the State of Texas, when and to the extent that banks and trust companies organized under the laws of the State of Texas, and national banks, with their principal offices in this State, are permitted to so act in other states, territories or the District of Columbia; etc., and declaring an emergency."

S. B. No. 187, A bill to be entitled "An Act authorizing the Board of Regents of the West Texas State Teachers College to quitclaim certain property; and declaring an emergency."

S. C. R. No. 25, Authorizing Board for Texas State Hospitals and Special Schools to acquire land from United States of America located in Angelina County.

S. C. R. No. 24, Suspending Joint Rules to permit House and Senate to consider S. B. No. 290.

Senate Resolution 189

Senator Creighton offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Civics Classes of Weatherford High School, Parker County, Texas, accompanied by their teachers and sponsors, Mrs. Vivian Davis, Mrs. L. H. Frysinger, Mrs. Gwen Akin, and Mrs. Raymond Curtis; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demon-

strating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Creighton by unanimous consent presented the students, teachers and sponsors to the Members of the Senate.

Senate Bill 289 on Second Reading

On motion of Senator Lane and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 289, A bill to be entitled "An Act to amend Senate Bill No. 97, Chapter 55, Acts of the Fifty-fourth Legislature, Regular Session, 1955, as amended by House Bill No. 110, Chapter 31, Acts of the Fifty-fifth Legislature, Regular Session, 1957, so as to provide and make more certain that oil, gas, and mineral leases executed by personal representatives may provide for their extension beyond their primary terms by shut-in gas wells, and validating such provisions in leases heretofore executed by personal representatives pursuant to the provisions of the Texas Probate Code and still in force; etc.; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 289 on Third Reading

Senator Lane moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 289 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Creighton
Baker	Crump
Calhoun	Dies
Colson	Fuller

Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Patman
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Schwartz
Martin	Secrest
Moffett	Smith
Moore	Willis

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith
Krueger	Willis

Absent—Excused

Weinert

Senate Resolution 190

Senator Martin offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the Junior and Senior classes from Covington High School, Covington, Texas, accompanied by their teacher, Mrs. Lula Delle Carmichael; and

Whereas, These students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their

state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Martin by unanimous consent presented the students and their teacher to the Members of the Senate.

Senate Bill 71 on Second Reading

On motion of Senator Reagan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 71, A bill to be entitled "An Act relating to the management, control and use of the surface estate in certain State-owned submerged lands and islands so as to insure the conservation of the marine resources of the State and the development of a submerged lands and islands management program dedicated to the preservation and utilization of such natural resources of the State in the public interest."

The bill was read second time.

Senator Reagan offered the following committee amendment to the bill:

Amend Section 1 of Senate Bill No. 71 by inserting the words "to the Public Free School Fund and" in the first sentence following the word "belonging" and by further inserting the words "production and marketing of oil and gas and other minerals and" in the third sentence following the words "public property."

The committee amendment was adopted.

Senator Reagan offered the following committee amendment to the bill:

Amend Section 7 of Senate Bill No. 71 by adding the words "and such rights shall be the dominant estate in such lands" at the end of paragraph (d) and by further adding the words "including exploration and development of oil and gas under prior existing laws" at the end of paragraph (g).

The committee amendment was adopted.

Senator Reagan offered the following committee amendment to the bill:

Amend Section 14 of Senate Bill No. 71 by adding thereto the following sentence:

"It is further provided that it is not intended that this Act shall repeal or modify the provisions of Article 8225 of Chapter 9, Title 128, Revised Civil Statutes of Texas, as amended, or Articles 4035, 4036, 4037, 4038, 4039, 4040, and 4041 of Chapter 2, Title 67, Revised Civil Statutes of Texas."

The committee amendment was adopted.

Senator Reagan offered the following amendment to the bill:

Amend Section 4, paragraph (a) by adding thereto the following sentence:

"Pursuant to such program the Board may grant permission to State institutions of higher education or their branches to utilize portions of submerged lands, mutually agreed upon, for marine research; such permission to include the right to use physical barriers or devices incidental to such research."

The amendment was adopted.

Senator Patman offered the following amendment to the bill:

Amend Senate Bill No. 71 by inserting after the sentence ending on line 29, page 5 in printed copy, the following sentence: "Said industrial purposes shall not be construed to mean for the purposes of industrial waste disposal."

The amendment was adopted.

Senator Patman offered the following amendment to the bill:

Amend Senate Bill No. 71 by adding after the words "bulkhead line" and before the word "within" on line 10, page 4, the printed copy, the following clause: "located at a distance extending not more than one thousand (1,000) feet from the shore line."

The amendment was adopted.

On motion of Senator Reagan and by unanimous consent the caption was

amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 71 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 71 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Nays—1

Hardeman

Absent

Gonzalez

Absent—Excused

Weinert

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of S. B. No. 71.

Senate Resolution 191

Senator Crump offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate the Government Class of Southwest Texas Junior College, Uvalde, Texas, accompanied by their teacher and sponsor, Mrs.

Phillip Trahan and Mr. Edward J. Stein; and

Whereas, these students of today are the citizens, leaders, and statesmen of tomorrow, who, with the acceptance of democracy's heritage, must carry on the responsibilities of self-government; and

Whereas, It is highly commendable that these young people are demonstrating, by their visit in the Senate, an interest in the processes of their state government; now, therefore, be it

Resolved, That we extend to these students a cordial welcome; and that a copy of this Resolution, bearing the official seal of the Senate, be sent to them in appreciation of their visit.

The resolution was read and was adopted.

Senator Crump by unanimous consent presented the students, teacher, and sponsor to the Members of the Senate.

Report of Standing Committee

Senator Aikin by unanimous consent submitted the following report:

Austin, Texas,
March 14, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to whom was referred S. B. No. 392, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senate Bill 392 Ordered Not Printed

On motion of Senator Smith and by unanimous consent S. B. No. 392 was ordered not printed.

Executive Session

Senator Dies asked unanimous consent for the Senate to go into Executive Session at 12:03 o'clock p.m. today.

There was objection.

Senator Dies then moved that the Senate go into Executive Session at 12:03 o'clock p.m. today (Senator Dies on yesterday gave notice that he would make a motion for an Executive Session today following the Morning Call).

Senator Baker raised the point of order that under Senate Rule 82 a future day had not been set.

The President overruled the Point of Order stating that Senate Rule 82 was not applicable.

Senator Dies renewed his motion for an Executive Session at 12:06 o'clock p.m. today.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Owen
Dies	Patman
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Nays—3

Baker	Ratliff
Parkhouse	

Absent—Excused

Weinert

Accordingly, the President directed all those not entitled to attend the Executive Session of the Senate to retire from the Senate Chamber and instructed the Sergeant-at-Arms to close all doors leading from the Chamber.

At the conclusion of the Executive Session the Secretary of the Senate informed the Journal Clerk that the Senate had confirmed the following nominations:

To be members of the Board of Regents of the University of Texas, for six-year terms to expire January 10, 1967: John S. Redditt of Lufkin, Angelina County; Dr. H. Frank Connally of Waco, McLennan County; Walter P. Brennan of San Antonio, Bexar County.

To be a member of the Fannin State Park Commission, for a six-year term to expire September 5, 1965: Mrs. Hatty Swickheimer of Goliad, Goliad County.

To be a member of the State Board of Health, for a six-year term to expire June 12, 1965: Dr. Gus Pinkerton of Tyler, Smith County.

To be a member of the Texas Library and Historical Commission, for a six-year term to expire September 28, 1965: Walter E. Long of Austin, Travis County.

To be a member of the State Board of Plumbing Examiners, for a six-year term to expire May 28, 1965: Joe Bland of Austin, Travis County.

To be a member of the State Board of Pardons and Paroles, Mr. A. C. Turner of Walker County, Texas.

To be members of the Texas Water Development Board, for six-year terms to expire December 20, 1965: Marvin Nichols of Fort Worth, Tarrant County (designated Chairman); W. E. Tinsley of Austin, Travis County.

To be a member of the State Board of Water Engineers, for a six-year term to expire August 19, 1965: Otha F. Dent of Littlefield, Lamb County.

To be a member of the State Board of Public Accountancy, for a four-year term to expire September 4, 1963: C. A. Jake Freeze of San Angelo, Tom Green County.

To be a member of the State Board of Public Accountancy, for a four-year term to expire September 4, 1963: J. P. Jenkins of Wichita Falls, Wichita County.

To be a member of the State Board of Public Accountancy, for a six-year term to expire September 4, 1965: Louis A. Bartha of Midland, Midland County.

To be a member of the Board of Examiners of State Land Surveyors, for a two-year term to expire December 31, 1961: J. D. Freeman of Austin, Travis County.

To be Director-at-Large of the Tri-County Municipal Water District, to fill the unexpired term of Dr. Silas W. Grant, resigned, term to expire July 22, 1961: Jack C. Altaras of Cleburne, Johnson County.

To be employer member of the Texas Employment Commission, for a six-year term to expire November 21, 1966: J. J. Pickle of Austin, Travis County.

To be Interstate Compact Commissioner for the Red River, to fill the unexpired term of John J. Ledbetter, resigned, and for a two-year term to expire December 3, 1961: Buster Cole of Bonham, Fannin County.

To be a member of the Board of Directors of the Guadalupe-Blanco River Authority, as designated by the Board of Water Engineers, for a six-year term to expire February 1, 1965: Ed F. DeLeon of Cuero, DeWitt County.

To be a member of the Board of Directors of the Guadalupe-Blanco River Authority, for a six-year term to expire February 1, 1967: Frank Guittard of Victoria, Victoria County.

To be Commissioner of Labor Statistics, for a two-year term to expire January 31, 1963: R. B. (Dick) Latting of Austin, Travis County.

To be Commissioner of Labor Statistics, to fill the unexpired term of J. E. (Ed) Lyles, resigned, term to expire January 31, 1961: R. B. (Dick) Latting of Austin, Travis County.

In Legislative Session

The President called the Senate to order as in Legislative Session at 12:27 o'clock p.m. today.

Special Notice on House Joint Resolution 46

Senator Parkhouse gave notice that he would on tomorrow move to suspend the rules to consider H. J. R. No. 46.

Adjournment

On motion of Senator Hardeman the Senate at 12:28 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
Fred Joseph

Senator Herring offered the following resolution:

(Senate Resolution 186)

Whereas, In the passing of Fred Joseph on the seventh day of September, 1960, the City of Taylor lost one of its most worthy citizens; and

Whereas, Mr. Joseph was born in Lebanon, later coming to the United States, and had made Taylor his home since 1914; and

Whereas, He was an outstanding Catholic layman and shortly before his death was recommended to the Vatican for the award, Pro Ecclesia Pontifice, by the Most Reverend Louis J. Reicher, Bishop of Austin; he was a past master of District 7, fourth degree of the Knights of Columbus, a member of the ceremonial committee, third degree, and was a delegate to the 1960 Knights of Columbus convention in Atlanta, Georgia; and

Whereas, He served as a member of the Selective Service Board of Taylor and was an honorary fireman of the Taylor Fire Department; and

Whereas, Mr. Joseph was widely acquainted throughout the State and recognized as a Christian gentleman, an active and conscientious member of his community who served when and where he was needed on any civic undertaking; and

Whereas, He is survived by his sister, Miss Frieda Joseph of Austin, Texas; two aunts, Mrs. M. D. Koury of Santa Fe, New Mexico, and Mrs. Marie Michael of Albuquerque, New Mexico; two uncles, Louis Richard of Santa Fe, New Mexico, and Arthur Richard, Sr., of Espanola, New Mexico; and one cousin, George Richard of Santa Fe, New Mexico; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-seventh Legislature to pay tribute to this worthy citizen; and be it further

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this resolution be sent to all surviving members of his family as a token of respect and sympathy.

HERRING

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Calhoun, Colson Creighton, Crump, Dies, Fuller, Gonzalez, Hardeman, Hazlewood, Hudson, Kazen, Krueger, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Roberts, Rogers, Schwartz, Secrest, Smith, Weinert, Willis.

The resolution was read.

On motion of Senator Kazen and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was adopted by a rising vote of the Senate.

In Memory of
Oscar Zeiske

Senator Krueger offered the following resolution:

(Senate Resolution 187)

Whereas, In the death of Oscar Zeiske on February 27, 1961, the State of Texas lost one of its pioneer merchants and newspapermen; and

Whereas, Oscar Zeiske was born on February 20, 1868, in Bernstadt, Germany and came to this country in 1888; and

Whereas, He settled in Bellville, Texas, and in 1900 married Edith Matthaei; and

Whereas, In 1913 Edith and Oscar Zeiske moved to Austwell where he established a general store; and

Whereas, In 1930 he returned to Bellville where he became manager of the Bellville Times, a position he retained until 1954; and

Whereas, Oscar Zeiske's love of music was second only to his love of his family and he was an accomplished violinist; and

Whereas, He was director of the Concordia Singing Society for twenty-five years, a member of St. Mary's Episcopal Church, the Bellville Masonic Lodge, the Royal Arch Chapter, and the Royal and Select Masters of Bellville; and

Whereas, He is survived by his sons, Franz and Arnold Zeiske; two daughters, Miss Hildegard Zeiske and Miss Evelyn Zeiske; two sisters, Miss Paula Zeiske and Mrs. Mina Stolterfoht; two grandchildren and four great-grandchildren; now, therefore, be it

Resolved by the Senate of the State of Texas, That a page be set aside in the Senate Journal in memory of Oscar Zeiske; that copies of this resolution be sent to members of his family; and that when the Senate adjourns today it do so in honor of Oscar Zeiske.

The resolution was read and was adopted by a rising vote of the Senate.